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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,582	01/22/2002	Danny L. Beasley	218063US25CO	4130
22850	7590	10/11/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DINH, DUNG C	
			ART UNIT	PAPER NUMBER
			2152	
DATE MAILED: 10/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,582

Applicant(s)

BEASLEY ET AL.

Examiner

Dung Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27, 29-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 29-42 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>see detail action</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after notice of allowance. Petition to Withdraw from Issue under 37 CFR 1.313(c)(2) was granted 5/17/05.

The IDS' filed 5/16/05, 6/29/05, 8/26/05, and 9/15/05 have been considered.

Claims 1-27, 29-42, and 44 are pending for examination.

Claim Rejections - Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 27, 29 are rejected under the judicially created doctrine of obviousness-type double patenting as being

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unpatentable over claims 1-8 of U.S. Patents 6,345,323.

Although the conflicting claims are not words or words identical, they are not patentably distinct from each other because the current claimed limitations are claimed in the patent above.

claim 1 of the present application:	US patent 6,345,323
switching system comprising:	claim 1 - central crosspoint switch
computer-side connectors...	crosspoint switch's outputs
a first set of user side connectors including ... input device connector and ... video connector ...	crosspoint switch's inputs
a first analog video receiving circuit ...	claim 2 - second signal conditioning units receive video signal
a first analog video processing circuit ...	claim 8 - onscreen programming circuit

claim 27 of the present application:	US patent 6,345,323
a system for connecting a workstation ...	claim 1 - a system for connecting a numbers of workstations
a first signal conditioning device ...	a plurality of first signal conditioning units
a first communication link ...	a plurality of first communication links
a crosspoint switch ...	a central crosspoint switch
a plurality of second communication links ...	a plurality of second communication links
a plurality of second signal conditioning devices ...	a plurality of second signal conditioning units
an analog video link processing circuit...	claims 5-8

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As per claim 27, the patent 6,345,323 does not claim a second set of electronic signal via the first communication link for controlling the crosspoint switch. However, the limitation would have been obvious in view of the patent's claim 8 so as to enable the user to send command to the crosspoint switch in conjunction with the onscreen programming display.

As per claim 29, it is rejected under same rationale as for claim 27 above.

Claims 1 and 44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent 6,112,264.

Although the conflicting claims are not words or words identical, they are not patentably distinct from each other because the current claimed limitations are claimed within the patent.

claim 1 of the present application:	US patent 6,112,264
switching system comprising:	claim 1 - A switching system
computer-side connectors...	computer-side interface
a first set of user side connectors including ... input device connector and ... video connector ...	user-side interface
a first analog video receiving circuit ...	an analog video receiving circuit

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a first analog video processing circuit ...	an analog video overlay circuit

claim 44 of the present application:	US patent 6,112,264
A video switch ...	claim 1 - A switching system
an on-screen display processor ...	an analog video overlay circuit
a user input device decoder circuit ...	claim 16 - keyboard command detector ...

Claims 1 and 44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 of U.S. Patent 5,884,096. Although the conflicting claims are not words or words identical, they are not patentably distinct from each other because the current claimed limitations are claimed within the patent.

claim 1 of the present application:	US patent 5,884,096
switching system comprising:	claim 1 - a programmable switch
computer-side connectors...	a second interface circuit
a first set of user side connectors including ... input device connector and ... video connector ...	a first interface circuit
a first analog video receiving circuit ...	"routing video signals"
a first analog video processing circuit ...	an on-screen programming circuit

claim 44 of the present application:	US patent 5,884,096
A video switch ...	claim 1 - a programmable switch

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an on-screen display processor ...	an on-screen programming circuit
a user input device decoder circuit ...	a programmed logic circuit ... operating to detect keyboard or cursor control device signals ...

Claims 1, 27, 29, and 44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8 of US patent 5,721,842. Although the conflicting claims are not words or words identical, they are not patentably distinct from each other because the current claimed limitations are claimed within the patent.

claim 1 of the present application:	US patent 5,721,842
switching system comprising:	claim 8 - a programmable switch
computer-side connectors...	a second signal conditioning circuit
a first set of user side connectors including ... input device connector and ... video connector ...	a first signal conditioning circuit
a first analog video receiving circuit ...	"routing video signals"
a first analog video processing circuit ...	on-screen programming circuit

claim 27 of the present application:	US patent 5,721,842
a system for connecting a workstation ...	claim 8 - a system for connecting a workstation
a first signal conditioning device ...	a first signal conditioning circuit
a first communication link ...	inherent for connection to the

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	workstation
a crosspoint switch ...	a programmable switch
a plurality of second communication links ...	inherent for connection to the remotely located computers
a plurality of second signal conditioning devices ...	a second signal conditioning circuit
an analog video link processing circuit ...	on-screen programming circuit

claim 29 of the present application:	US patent 5,721,842
a system for connecting a workstation ...	claim 8 - a system for connecting a workstation
a first signal conditioning device ...	a first signal conditioning circuit
a first communication link ...	inherent for connection to the workstation
a crosspoint switch ...	a programmable switch
a plurality of second communication links ...	inherent for connection to the remotely located computers
a plurality of second signal conditioning devices ...	a second signal conditioning circuit
wherein the first signal conditioning device further ... for controlling the crosspoint switch ...	means for transmitting the keyboard and cursor control device signals ... in order to control the operation of the programmable switch

claim 44 of the present application:	US patent 5,721,842
A video switch ...	claim 8 - a programmable switch
an on-screen display processor ...	an on-screen programming circuit
a user input device decoder circuit ...	means for detecting the keyboard and cursor control device signals

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 44 is rejected under 35 U.S.C. 102(e) as being anticipated by Perholtz et al. US patent 5,732,212.

As per claim 44, Perholtz teaches a video switch [fig.1 processor 2] that processes user input device commands, comprising:

an on-screen display processor for internally generating a visual user interface on at least a portion of a connected display [fig.1 the processor 2 and the software process step 704 of fig.7A]; and

a user-input device decoder circuit for decoding plural user-input device commands [fig. 7c] from a user input device connected to the video switch, responsive to the internally generated visual user interface, at least a first command of the plurality of commands establishing communication path between 1)

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one of the computers [fig.7A step 704 selection to connect to either #6, 12, or 17] to the video switch and 2) the user input device [4], 4A) and the connected display [3], and at least a second command of the plurality of commands being send to one of the plurality of computers connected to the switch [fig.7C any of the remote functions in steps 725-276].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Friday from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dung Dinh
Primary Examiner
September 27, 2005